

**REMARKS**

Following entry of this amendment, claims 1-15, 26-28, 33-45, 50, 53, 59-66, 68, 71-82, 84-93, 95, 98-109 and 111-112 remain pending in the application of which claims 1, 37, 59, 82, 86 and 109 are independent. No claims have been amended. Claims 16-21, 22-25, 29-32, 46-49, 51-52, 54-58, 67, 69-70, 83, 94, 96-97 and 110 were previously canceled. No claims have been added. No new matter has been added.

**35 U.S.C. § 102(b) Rejections**

Claims 1-15, 19-21, 26-28, 33-35, 37-38, 40-45, 50, 53, 59-60, 62-66, 71-82, 84, 86, 87, 89-93, 95, 98-109 and 111 were rejected as being anticipated by Wicks et al (United States Patent No. 5,796, 394, hereafter “Wicks”). Applicants respectfully traverse the rejections.

**Summary of Wicks**

Wicks et al discusses a communications routing system. A base station which is connected to a display is connected to multiple types of devices in a Local Area Network or other type of network. The base station is equipped with a keypad input device similar to those found on standard telephones. The base station receives transmissions intended for the various types of device in the LAN from multiple types of exterior networks having different data formats. Exemplary types of exterior networks include computer networks, telephone networks and paging networks (see Fig. 1 and discussion thereon). The base station filters and routes this information to the various devices and provides a common interface for the retrieval of the information. The purpose of the system in Wicks is to provide a common interface for information retrieval for different types of devices on the local network which are receiving information in their specific data formats. All communications to the office [i.e.: LAN devices] go through the base station (column 2, lines 40-41).

The intercepted information may be retrieved by a user of the Wicks system via the keypad-like input device embedded in the base station. The base station generates a display of icons approximately arranged on the display in an orientation similar to that of the keypad. Actions are taken in response to a user pushing one of the buttons on the keypad corresponding

to an icon on the display. Alternatively, the information may be retrieved by docking a handheld communicator to a docking station attached to one of the devices which is interfaced with the base station over the LAN. The handheld communicator has a numeric keypad and a unique user ID. The device to which the handheld communicator is docked may or may not have a display. The handheld communicator may or may not have a display. Once docked at a particular device in the LAN, information intended for that device may be sent to the device via the handheld communicator.

### Argument

Wicks fails to disclose all of the elements of Applicants' independent claims. Applicants' representative claim 1 is directed to "a mobile telephone **apparatus**" that includes a display surface, a keypad, logic for triggering an event in response to a selection of an associated key, and a processor for executing the logic. Claim 1 recites:

1. **A mobile telephone apparatus, said mobile telephone apparatus comprising:**
  - a display surface** for displaying information in a visually partitioned manner, said visually partitioned information being presented on said display in at least two regions;
  - a keypad** containing keys, each of said keys corresponding to at most a single region of said display, wherein each region is associated with at least one of the keys in the keypad and represents a choice of an option that may be selected by selecting the associated key;
  - logic** for triggering an event in response to a selection of the associated key; and
  - a processor** for executing the logic for triggering the event, said event triggered by the selection of the associated key.

Claim 1 thus requires a single telephone apparatus that includes a display surface, a keypad, logic and a processor for executing the logic. Wicks fails to disclose such an apparatus.

In contrast to the claimed invention, Wicks fails to disclose **an apparatus (singular)** that contains all of Applicants' recited claim elements. Wicks fails to disclose at least a mobile telephone apparatus that includes "logic for triggering an event in response to a selection of the associated key" and "a processor for executing the logic for triggering the event."

In the Final Office Action, the Examiner relied on claims 1 and 13 of Wicks as disclosing

a mobile telephone apparatus that included a processor for executing the logic. See Office Action page 3. However, claim 1 in Wicks claims a method for accessing information in a communication system. The communications system in Wicks' includes "a processor coupled to a display screen, memory, and first and second communication networks, the system further comprising a mobile telephone handset including a telephone keypad wherein the mobile telephone handset is remote from the processor"(see Wicks claim 1, preamble). Similarly claim 13 of Wicks claims a method for providing a user interface in a digital system "wherein the digital system further comprises a mobile telephone handset including a telephone keypad, wherein the telephone handset is remote from the processor"(See Wicks claim 13, preamble). If the processor in Wicks is **remote** from the mobile telephone handset, Wicks clearly does not disclose a "mobile telephone apparatus **comprising: ...a processor** for executing logic for triggering the event" as recited in Applicants' claim 1. By its very terms, claim 1 of Wicks fails to meet Applicants' claim limitation since a mobile telephone handset that is remote from the processor is not a mobile telephone apparatus that includes a processor as required by Applicants' claim 1.

The language in claims 1 and 13 of Wicks is consistent with the description of the system in Wicks which discusses multiple different devices used to communicate with different communication networks. The base station in Wicks performs a filtering function for incoming messages transmitted with different data formats. The incoming message traffic is intended for other devices on the LAN, not for the base station (column 2, lines 40-41). The base station generates a common user interface for the display which may be used in conjunction with the keypad input device on the base station to retrieve the information intended for the other devices. Alternatively, a user may use a handheld communicator docked with a LAN device to retrieve information via the base station generated user interface using a keypad on the handheld communicator. **In response to the selection, the base station in Wicks provides information to a user** (col. 2, lines 38-43, col. 5, lines 59-62, etc.). In other words, the processing of the selection in the interface in Wicks is being performed at the base station (by the remotely located processor). The processor in Wicks is not part of the mobile telephone handset the Examiner is comparing to the claimed mobile telephone apparatus and so therefore does not disclose Applicant's recited claim limitation.

Additionally, Wicks also fails to disclose a “mobile telephone apparatus **comprising:** ...logic for triggering an event in response to a selection of the associated key.” The processing in Wicks is being performed at the base station rather than at the mobile telephone handset. The base station is not a mobile telephone apparatus. As noted explicitly in Wicks’ claim 1 preamble, the processor (which would execute the logic for triggering an event) is remotely located from the telephone handset (and telephone keypad). In the Response to Arguments(OA, page 10), the Examiner cited Claim 7 in support of his position stating that it disclosed a rule for processing received information. The Examiner noted that the rule specified how information **is to be routed** conditioned upon the sender of the information. The Examiner discussed how the reference showed pressing a keypad corresponding to a bin number and position and that the bins were filled with icons for voice-mail, faxes and other received messages. The Examiner also discussed that the selection of the bin resulted in different screen displays and options. However, Applicants respectfully submit that none of the described functionality cited by the Examiner meets Applicants’ claim limitation which requires that **the logic be included as part of the claimed mobile telephone apparatus.**

The “logic for triggering an event in response to a selection of the associated key” recited in Applicants’ claim 1 is executed by the claimed processor which is also part of the claimed mobile telephone apparatus. As noted above, in Wicks, the processor is remote from the described mobile telephone handset (and would therefore be executing the logic at a remote location rather than on the mobile telephone apparatus). The Examiner’s cited claim 7 also supports the interpretation that the logic being executed is not included in the mobile telephone handset described in Wicks. Claim 7 in Wicks notes that the rule is stored in “the memory”. “The memory” being referred to is “the memory” first recited in the underlying claim 1. That memory is part of the Wicks’ claimed communications system and is separate from the mobile telephone handset (“the system including a processor coupled to a display screen, memory and first and second communications networks, the system further comprising a mobile telephone handset...” –claim 1 preamble, Wicks). The memory and the handset are claimed as separate entities. Claim 7 is also discussing how to process information stored for the user and as noted above, that action is part of the filtering performed by the Wicks system at the base station not at the handset. The functionality being described by the Examiner starts with a button press that in

some cases may take place at the mobile telephone handset, but the logic for interpreting that button press is clearly being executed at the base station's remote processor (where an indication that the button press has occurred is forwarded to) rather than at the described mobile telephone handset. Applicants' claim 1 requires that the logic be part of the mobile telephone apparatus and executed on the mobile telephone apparatus and neither limitation is disclosed by Wicks.

Accordingly, since Wicks fails to disclose both a "mobile telephone apparatus **comprising**: ...logic for triggering an event in response to a selection of the associated key" and further fails to disclose "a mobile telephone apparatus **comprising**: ...a processor for executing the logic for triggering the event", Applicants respectfully request the reconsideration and allowance of claim 1 and all claims dependent thereon.

Similarly, independent claim 37 is a portable electronic apparatus claim corresponding to claim 1 that recites a portable electronic apparatus in place of a mobile telephone apparatus. Applicants respectfully assert that the arguments set forth above with respect to claim 1 are equally applicable to claim 37 as the base station that contains the processor is not a portable electronic apparatus and neither the processor nor the logic are included on the mobile telephone handset discussed in Wicks.

Accordingly, for at least these reasons Wicks fails to anticipate claim 37 and the claims dependent thereon and Applicants request their reconsideration and allowance.

Independent claim 59 recites:

59. In a portable electronic apparatus having a display and a keypad having keys, a method comprising:

displaying information on the display of said portable electronic apparatus so that the display is visually partitioned in regions, wherein each region is associated with at least one of the keys on the keypad, each of said keys corresponding to at most a single region of said display; and

receiving, on the portable electronic apparatus, a selection of a selected one of the keys on the keypad;

processing logic associated with the selection **with a processor located in the portable electronic apparatus**, the processing triggering an event, wherein each region is associated with a service and wherein the selection of the selected key triggering the

event causes information to be displayed on the display that concerns a service associated with the selected key.

As noted above during the discussion of claim 1, the processor in the Wicks system is located remotely from the telephone handset/portable electronic apparatus. Accordingly, Wicks fails to disclose processing logic associated with the selection **with a processor located in the portable electronic apparatus**. Accordingly, for at least these reasons, Wicks fails to anticipate claim 59 and the claims dependent thereon.

Similarly, independent claim 82 is a method claim corresponding to claim 59 except that it recites a mobile telephone instead of a portable electronic apparatus. Applicants respectfully assert that the arguments set forth above with respect to claim 59 are equally applicable to claim 82.

Accordingly, for at least these reasons Wicks fails to anticipate claim 82 and the claims dependent thereon.

Independent claims 86 and 109 are medium claims that correspond to method claims 59 and 82. Applicants respectfully submit that claims 86 and 109, and the claims respectively dependent thereon, are allowable for the same reasons set forth above for claims 59 and 82. Reconsideration and allowance of claims 86 and 109 and their dependent claims is requested.

### 35 U.S.C. § 103 Rejections

The remaining § 103 rejections are directed to dependent claims and the cited references being combined with Wicks fail to remedy the shortcomings of Wicks that were discussed above with respect to the independent claims. Accordingly, since the dependent claims include all of the elements of the independent claims, and since the cited combination of references fails to render obvious all of the elements of Applicants' independent claims, Applicants request the reconsideration and allowance of claims 36, 39, 61, 85, 88 and 112.

CONCLUSION

In view of the above, Applicants believe all claims in the pending application are in condition for allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicants' attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. AVE-001CNRCE. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. § 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

Dated: March 30, 2009

Respectfully submitted,

Electronic signature: /John S. Curran/  
John S. Curran  
Registration No.: 50,445  
LAHIVE & COCKFIELD, LLP  
One Post Office Square  
Boston, Massachusetts 02109-2127  
(617) 227-7400  
(617) 742-4214 (Fax)  
Attorney/Agent For Applicant